

REMARKS

Claims 1, 2 and 9 have been amended. New claims 13-20 have been added to further protect the invention. Reexamination and reconsideration of the amended application respectfully is requested.

The Examiner rejected claims 1, 2 and 4-12 under 35 USC 102(b) as being anticipated by *Long et al.* The rejection respectfully is traversed.

As noted by the Examiner, *Long et al.* discloses a door apparatus that includes a door 36 moveable in opposite directions by a drive device that includes a motor and clutch 412 and 416. The Examiner also correctly notes that the reference teaches a lock device that includes a ratchet and pawl switch 280 and 282 mechanically driven by an electrical means, and control apparatus 54. The Examiner states that the control apparatus 54 controls the lock device (ratchet and pawl switch 280, 282) to determine it still to be in a locked state (block 2052) for a set amount of time T2, and

then proceeds to unlocking of the lock device (280 and 282) while controlling the door driving device (motor and clutch 412 and 416) to an open position.

The applicant would disagree that *Long et al.* disclose a control means that functions to perform the above-quoted operations. *Long et al.* does not disclose that the control apparatus operates to control the ratchet and pawl switch 280, 282 to perform an unlocking operation or to do so while controlling the motor and clutch 412 and 416 to an open position at any time, let alone after a set amount of time.

To the contrary, the *Long et al.* reference, particularly in the drawings and text reference by the Examiner (Fig. 36B, col. 22, lines 1-67 and col. 23, lines 1-57), merely discloses a structure and procedure for opening and closing a sliding door. It has nothing to do with the problem

solved by the invention, which relates to unlocking the door, and there appears to be no operation disclosed by *Long et al.* to assist an unlocking operation with a thrust force to the door. The only relation of the invention with opening or closing the door is that the thrust force that might be used to open the door is applied as an assist to unlock the door independently of whether the door is subsequently to be opened.

During the opening operation performed by the *Long et al.* device (while a trust force is applied to open the door), the state of the ratchet and pawl switch 280, 282 is checked, and if after a time T2 they indicate that the door is locked, the opening operation is discontinued since the door cannot be opened if locked and efforts to continue to open the door will merely result in a strain on the motor and clutch 412 and 416. Following the time T2 after initiation of unlatching the door, efforts to diagnose the problem in unlatching, not to continue unlatching with the aid of a thrust force, are taken by *Long et al.*

During a telephone conference between the Examiner and the undersigned attorney, the Examiner clarified his position and acknowledged that the time T2 is not pertinent. He also stated, however (to our understanding), that the claimed operations are performed during each loop of blocks 2052, 2056, 2068 and 2072 in the controller of *Long et al.* (see Fig. 36B). The applicant would respectfully disagree. The applicant sees no disclosure whatsoever in *Long et al.* that their controller 54 is capable of performing the functions of the claimed controller. In this regard, the Examiner stated that *Long et al.*'s device is "capable" of performing all of the operations performed by the claimed control apparatus. It was unclear to the undersigned what the Examiner meant

by the term “capable” and what elements of the *Long et al.* device have the alleged capability.

In order to avoid any misunderstanding as to the intended scope of the claimed controller apparatus, claim 1 has been amended to more clearly express the limitation as a “means” for performing the described operations (functions), that is in standard “means-plus-function” whose scope is governed by 35 USC 112, 6th paragraph. Thus, claim 1 has been amended to clarify that the control means controls the lock device to perform the unlocking operation, and thereafter the lock device is determined to be still in a locked state even after a set time, the control means controls the lock device to perform the unlocking operation while controlling the door driving device to output a thrust in at least one of the opening direction and the closing direction, to unlock the door. Also, as can be seen from the above language, claim 1 also has been amended to be generic also to the respective embodiments covered by previously independent claims 2 and 9 (which are now written in dependent form).

Thus, irrespective of what the electrical power and mechanical elements of the apparatus disclosed by *Long et al.* might be capable of performing if the controller 54 were otherwise programmed or constructed, *Long et al.*’s controller is nowhere disclosed to perform the functions of the control means of the invention as defined in amended claim 1.

Therefore, *Long et al.* clearly is inapplicable to claim 1, and the rejection accordingly should be withdrawn. Moreover, the dependent claims further distinguish the invention over the prior art and are therefore clearly patentable based both on their dependency from claim 1 and the limitations they express. If the Examiner should persist in the rejection of

claim 1, he is respectfully requested to specify with particularity where and how the Long et al. disclose

1. controlling a lock device to perform an unlocking operation
2. thereafter determining the lock device to be still in a locked state after a set time,
3. upon such determination, controlling the lock device to perform the unlocking operation while controlling the door driving device to output a thrust in at least one of the opening direction and the closing direction, to unlock the door.

New claims 13-20 are deemed clearly patentable at least for reasons similar to those advanced above as to the patentability of claims 1-14.


Based on the above, it is submitted that the application is in condition for allowance and such a Notice, with allowed claims 1-20, earnestly is solicited.

The undersigned wishes to thank the Examiner for his kindness and helpfulness during the telephone conference. Should any fee be required, please charge the same to our Deposit Account No. 18-0002 and advise us accordingly.

Respectfully submitted,

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Date

SMR/


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AMENDMENT

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